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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4095 of 1995

For Approval and Signature:

HON'BLE MR. JUSTICE ANANT S DAVE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

ANIL KANTILAL THAKAR

Versus

CHAIRMAN

Appearance:

1. Special Civil Application No. 4095 of 1995
MR JV BHAIKAVIA for Petitioner No. 1
MR VIJAY H PATEL for Respondent No. 1-2
-

CORAM : HON'BLE MR. JUSTICE ANANT S DAVE

Date of decision: 04/11/2004

ORAL JUDGEMENT

1. The grievance of the petitioner is that, though
the petitioner is qualified to be appointed on the post

of helper in the Mechanical Department of the respondent-Nagarpalika on permanent basis and was also working as such since 10th February 1978, his case was not considered by the respondent-Municipality. It is submitted by the petitioner that the action of the respondent-Municipality to give an advertisement to recruit persons for the post of the mechanic from the open market without considering the case of the petitioner is illegal and arbitrary. It is further submitted by the petitioner that he made a representation to the respondent-Municipality on 25th April 1995, which also still remains undecided.

2. The Court issued rule in the matter on 7th February 1996.

3. The Chief Officer of the Amreli Nagarpalika has filed affidavit-in-reply. In paragraph 4 of the affidavit-in-reply, it is stated that the petitioner was not having the experience of five years as mechanic in the motor vehicles department, and he was working as a helper in the said department and, therefore, he is not eligible for the post of mechanic. It is further stated that the representation of the petitioner did not deserve any objective consideration since the petitioner did not deserve any appointment or promotion.

4. The grievance of the petitioner may be legal or otherwise, but, when a representation is submitted to the concerned Authority about the injustice meted out to an employee, the Authority is, at least, duty bound to answer to the representation. With regard to the service conditions, the very first remedy available to the employee is to represent his case before the concerned Authority. It is an admitted fact that the petitioner made a representation to the respondent-Municipality on 25th April 1995, and it still remains undecided.

5. In the facts and circumstances of the case, the respondents-Authorities are directed to consider the representation dated 25th April 1995 submitted by the petitioner to the respondent-Nagarpalika and to pass orders in accordance with law as expeditiously as possible, preferably within three months from the date of receipt of this order.

6. With the aforesaid direction, Rule is discharged with no order as to costs.

(Anant S. Dave, J.)
(swamy)

